

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

WENDELL CRUSE,

Plaintiff,

v.

CIVIL ACTION NO. 3:17-0797

PAULA HOLLEY, Clerk Cabell County
W.Va. Magistrate Court;
DEBBIE MCGUIRE, Magistrate Assistant;
MARK PILCHER;
MAGISTRATE FERGERSON,

Defendants.

MEMORANDUM OPINION AND ORDER

This action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the Court deny Plaintiff's motion for default judgment (ECF No. 29); grant Defendant Pilcher's motion to set aside default (ECF No. 31); and order that Defendant Pilcher file an answer or otherwise respond to Plaintiff's complaint within ten (10) days of entry of the Court's Order. Neither party has filed objections to the Magistrate Judge's findings and recommendations.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **DENIES** Plaintiff's motion for default judgment (ECF No. 29); **GRANTS** Defendant Pilcher's motion to set aside default (ECF No. 31); and **ORDERS** Defendant

Pilcher to file an answer or otherwise respond to Plaintiff's complaint within ten (10) days of entry of this Order, consistent with the findings and recommendations.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: August 16, 2017



ROBERT C. CHAMBERS, CHIEF JUDGE